

REMARKS

In the final Office Action mailed September 30, 2004, the Examiner rejected claims 1, 2, 4, 5, 7-10, 15, 16 and 21-26, and objected to claims 6, 11-14, and 17-20. The Examiner also indicated that claims 6, 11-14, and 17-20 would be allowable if rewritten in independent form. In response, Applicants have amended claims 1, 5, 9, 12-13, 15 and 18-20, and canceled claims 2, 4-6, 10-11, 16-17 and 21-26. Applicants respectfully request reconsideration of pending claims 1, 5, 7-9, 12-15 and 18-20 in view of the amendments and the arguments below.

Allowable Subject Matter

The Examiner stated that claims 6, 11-14, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have rewritten claim 6 in independent form as claim 1, including all of the limitations of intervening claims 2 and 4, by incorporating the limitations into the base claim, namely claim 1. Accordingly, claims 2, 4, and 6 have been canceled, and claim 5 has been amended to depend from claim 1 instead of claim 4 (now canceled).

Applicants have also rewritten claim 11 in independent form, including all of the limitations of intervening claim 10, by incorporating the limitations into the base claim, namely claim 9. Accordingly, claims 9-10 have been canceled, and claim 13 has been amended to depend from claim 9 instead of claim 11 (now canceled).

Applicants have also rewritten claim 12 in independent form by incorporating all the limitations of the base claim, namely claim 9.

Applicants have also rewritten claim 17 in independent form, including all of the limitations of intervening claim 16, by incorporating the limitations into the base claim, namely claim 15. Accordingly, claims 16-17 have been canceled, and claims 18-20 have been amended to depend from claim 15 instead of claim 16 (now canceled).

The foregoing amendments are in accordance with what the Examiner has already determined to be allowable, including claims 6, 11, 12 and 17. As such, Applicants respectfully submit that the foregoing amendments place independent claims 1, 9, 12 and 15 in form for

allowance, as well as claims 5, 7, 8, 13, 14 and 18-20, which depend, either directly or indirectly, from one of the independent claims. Applicants respectfully request that the examiner allow these claims (as amended).

Claim Rejections 35 U.S.C. § 112(2) – Claims 12, 18 and 19

The Examiner rejected claims 12, 18, and 19 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner found that the term “may” renders each of these claims vague and indefinite.

Applicants have amended these claims to remove the “may” language. Applicants respectfully request that the Examiner consider these amendments to claims 12, 18 and 19, and remove the rejections under 35 U.S.C. § 112, second paragraph.

Conclusion

Applicants submit that claims 1, 5, 7-9, 12-15 and 18-20 are now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a timely Notice of Allowance in this case for all of these claims.

Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, the arguments made above may not be exhaustive. As such, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed due. Please apply any deficiencies or credits to deposit account 06-1050.

Applicant : James A. Herbst et al.
Serial No. : 10/014,371
Filed : December 11, 2001
Page : 9 of 9

Attorney's Docket No.: 17539-014001 / STL 10474

Respectfully submitted,

Date: Nov. 30, 2004

Craig Thompson
Craig O. Thompson
Reg. No. 47,990

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

60261154.doc.doc